

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

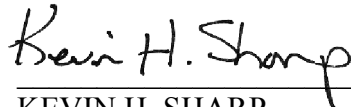
<b>ALVION PROPERTIES, INC., et al.</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	<b>Case No. 3:08-cv-866</b>
<b>v.</b>	)	
	)	
<b>BERND H. WEBER, et al.</b>	)	<b>JUDGE SHARP</b>
	)	
<b>Defendants.</b>	)	
<hr/>	)	<b>MAGISTRATE JUDGE BRYANT</b>
	)	
<b>BERND H. WEBER et ano.,</b>	)	
	)	<b>JURY DEMAND</b>
<b>Counter-Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>HAROLD M. REYNOLDS, et al.,</b>	)	
	)	
<b>Counter-Defendants.</b>	)	

**AGREED ORDER DISMISSING WITHOUT PREJUDICE  
COUNTER-PLAINTIFFS' CLAIMS AGAINST  
FARMERS STATE BANK OF ALTO PASS,  
FARMERS STATE HOLDING CORP. AND BRAD HENSHAW**

This matter came before the Court pursuant to an agreed motion by Counter-Plaintiffs Bernd H. Weber (“Weber”) and Claude J. Chauveau (“Chauveau”) to dismiss, without prejudice, all claims Weber and Chauveau have asserted against Farmers State Bank of Alto Pass, Farmers State Holding Corp. and Brad Henshaw. Farmers State Bank of Alto Pass, Farmers State Holding Corp. and Brad Henshaw have consented to their dismissal from this litigation, subject to certain conditions. Having considered this matter, the Court finds that the agreed motion is well-taken, and should be GRANTED, subject to the requested conditions.

Accordingly, it is ORDERED that all claims asserted by Weber and Chauveau against Farmers State Bank of Alto Pass, Farmers State Holding Corp. and Brad Henshaw are dismissed without prejudice to the re-filing of the same pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c), subject to the conditions that: (a) if Weber and/or Chauveau ever seek to re-file any of their claims against Farmers State Bank of Alto Pass, Farmers State Holding Corp. and/or Brad Henshaw (including any claims contained in the Counterclaim and any other claims or allegations arising from the subject matter of this case), they must do so in the United States District Court for the Middle District of Tennessee; and (b) if Weber and/or Chauveau ever re-file any of their claims against Farmers State Bank of Alto Pass, Farmers State Holding Corp. and/or Brad Henshaw, the discovery materials previously exchanged between the parties in this case (including all written discovery and all documents produced) may be used in any such later proceeding as if such materials had been produced in the subsequent proceeding.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style.

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE

**APPROVED FOR ENTRY:**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served, via the method(s) indicated below, on the following parties and counsel of record, this the 27<sup>th</sup> day of February, 2012:

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s/George H. Cate, III